

FISCAL NOTE
SB 1778 - HB 1628

March 20, 2007

SUMMARY OF BILL: Includes sexual exploitation of a minor in the offenses ineligible for judicial diversion.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$158,200 / Incarceration*


Assumptions:

- Sexual exploitation of a minor is punishable as a class B, C or D felony depending on the number of individual images or materials at issue.
- According to the Administrative Office of the Courts, there has been an average of 14 convictions of sexual exploitation of a minor per year for the past five years.
- The Department of Correction (DOC) estimates that 75% (11) of those convicted for sexual exploitation of a minor received probation and under this bill would be ineligible for probation. Eleven persons would be convicted of a Class D felony offense of sexual exploitation of a minor in the first year and would serve 0.6 years (219.15 days). According to the U.S. Census Bureau, the population growth in Tennessee has been 1.09 percent per year for the past 10 years. Population growth would result in one additional offender in the tenth year as a result of this bill. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 12 offenders serving 0.6 years (219.15 days).
- According to DOC, the average operating cost per inmate per day for calendar year 2007 is \$60.16. The cost per inmate at 0.6 years is \$13,184.06 (\$60.16 x 219.15 days). The total additional operating cost in the tenth year for 12 offenders is \$158,208.72 (\$13,184.06 x 12).

*Tennessee Code Annotated, Section 9-4-210, requires that: *For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

SB 1778 - HB 1628